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| 10/827,193      | 04/19/2004  | Nicola D'Alesio      | CM2740              | 2327             |

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EXAMINER

EDWARDS, LAURA ESTELLE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1734

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/827,193

Applicant(s)

D'ALESIO, NICOLA

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a method, classified in class 427, subclass 358.
- II. Claims 10-20, drawn to an apparatus, classified in class 118, subclass 410.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used for a different process such as applying etchant or cleaning fluid to a moving metal strip.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. F. Taffy on 8/29/05 a provisional election was made with traverse to prosecute the invention of Group II, claims 10-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pipkin et al (US 4,299,186) in view of Suzuki et al (US 5,569,494).

Pipkin et al teach an apparatus for applying a coating of a material onto a web, said apparatus comprising an applicator head (10) for applying said material in the fluid state, the applicator head comprising at least one output nozzle for emitting said material in the fluid state in a first direction; a drive unit (70; see Fig. 2) for producing a relative movement between said at least one output nozzle and said web by keeping the nozzle at least in the vicinity of said web at a coating region, wherein said relative movement takes place in a second transverse direction, said first and second directions forming an angle therebetween, wherein said applicator head is arranged such that said angle is 45 degrees (see col. 4, lines 3-6). Pipkin et al are silent concerning the applicator head being disposed in an arrangement wherein the head is disposed at

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an angle less than 45 degrees. However, it was known in the art at the time the invention was made, to arrange an applicator head relative to a web at a desired lap angle including less than 45 degrees so as to control the amount and/or thickness of coating material applied onto a moving web as evidenced by Suzuki et al (see col. 4, lines 9-17 and lines 63 to col. 5, lines 1-5). It would have been obvious to one of ordinary skill in the art to arrange the Pipkin et al applicator head at an angle less than 45 degrees, as recognized by Suzuki et al in the setting of an appropriate lap angle, in order to control the amount and/or thickness of coating material applied onto a moving web.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pipkin et al (US 4,299,186) in view of Suzuki et al (US 5,569,494) as applied to claims 10-16, 18, and 19 above and further in view of Japanese Patent No. 7-80386.

The teachings of Pipkin et al and Suzuki et al have been mentioned above but neither Pipkin et al nor Suzuki et al teach or suggest the coating applicator head having a cross section so as to deposit droplets. However, it was known in the art at the time the invention was made, to provide a coating applicator head having a cross section so as to deposit drops of coating liquid onto a moving web as evidenced by Japanese patent '386 (see Figs. 3-6). It would have been obvious to one of ordinary skill in the art to provide an applicator head having a droplet application cross section as taught by the Japanese patent as the applicator head in the apparatus defined by the combination above in order to enable a pattern of coating in the form of droplets to be applied to the web. Furthermore, it is within the purview of one skilled in the art to provide

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an applicator head having a desired cross section so as to apply the coating to the web in a desired pattern (i.e., stripes, droplets, continuous sheets, zig, zag, etc.).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pipkin et al (US 4,299,186) in view of Suzuki et al (US 5,569,494) as applied to claims 10-16, 18, and 19 above and further in view of Ciliske et al (US 6,231,671).

The teachings of Pipkin et al and Suzuki et al have been mentioned above but neither Pipkin et al nor Suzuki et al teach or suggest the apparatus including a floating type support arrangement. However, the use of floating type support arrangements for a coating application head so as to optimize coating characteristics on a moving web whereby the forces between the head and the moving web are balanced or compensated for despite of variations in the web or fluid properties as evidenced by Ciliske et al (see col. 2, lines 53-62). It would have been obvious to one of ordinary skill in the art to provide an applicator head having a floating type support arrangement as taught by Ciliske et al in the apparatus as defined by the combination above in order optimize coating characteristics on a moving web whereby the forces between the head and the moving web are balanced or compensated for despite of variations in the web or fluid properties.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent discloses the state of the art with respect to a movable coating

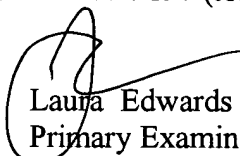
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head arrangement: McIntyre et al (US 4,386,998). The following patent discloses the state of the art with respect to an adjustable coating head arrangement: Kurimoto (US 5,766,356).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura Edwards  
Primary Examiner  
Art Unit 1734

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September 30, 2005